



W.P.No.90 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.90 of 2023

Uma Maheswari

.. Petitioner

Vs

- 1 The Commissioner
Corporation of Tiruppur
Office of the Corporation of Tiruppur
Mangalam Road, Tiruppur.
- 2 The Assistant Commissioner
Corporation of Tiruppur
Office of the Corporation of Tiruppur
Mangalam Road, Tiruppur.
- 3 The Chief Engineer
Office of the Tiruppur Corporation
Tiruppur.
- 4 The Inspector
Corporation of Tiruppur (North)
Tiruppur.
- 5 N.Senthil Kumar
- 6 Siva Kumar
- 7 Vinoth Kumar

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 4th respondent to implement the proceedings passed in Na.Ka.No.C1/1672/2021/m-2, dated 23.08.2021 by the 2nd respondent.

For the Petitioner : Mr.S.Kingston Jerold

For the Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.A.Selvendran
Special Government Pleader
for respondents 1 to 4

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Mrs.Uma Maheswari, wife of Ragu, resident of No.550, Dharapuram Road, Tiruppur Town, has filed this writ petition for issuance of a writ of mandamus to direct the fourth respondent to implement the proceedings of the second respondent in Na.Ka.No.C1/1672/2021/m-2, dated 23.08.2021.

2. Learned counsel for the petitioner submitted that respondents 5, 6 and 7 have encroached into the land owned by the



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petitioner in Survey Nos.34, 35, 36, 37 and 38/B2 measuring an extent of 4365 sq. ft. situated at P.N. Road, Tiruppur District and pursuant to the representation dated 11.8.2021 submitted by the petitioner, the Assistant Commissioner (General), Zone-2, Tiruppur Corporation directed the fourth respondent/Inspector (North), Tiruppur Corporation to survey the property and file a report. Despite the direction of the second respondent, the fourth respondent has not taken any steps to proceed further. Hence, the petitioner has been advised to file the present writ petition.

3. *Prima facie*, the petitioner has wrongly approached this Court for issuance of a writ of mandamus to direct the fourth respondent to implement the proceedings of the second respondent dated 23.8.2021. Secondly, a perusal of the proceedings of the second respondent dated 23.8.2021 would show that the alleged encroachment is made in the property of the petitioner, for which the petitioner has to work out her remedy before the civil court by substantiating her right and title over the property in question by adducing oral and documentary evidence. This court exercising



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jurisdiction under Article 226 of the Constitution of India cannot render a decision in respect of a dispute between individuals pertaining to a private property.

4. For the foregoing reasons, the writ petition is dismissed. However, liberty is granted to the petitioner to approach the civil court for appropriate relief, if so advised. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
05.01.2023

Index : Yes/No
Neutral Citation : Yes/No

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T.RAJA, ACJ.
AND
D.BHARATHA CHAKRAVARTHY, J.

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